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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHERRILL FOSTER, HOWARD FOSTER,
SHEILA BURTON and MINNIE BURTON,

Plaintiffs,

vs.

SHANNON EDMONDS, LORI TYLER,
COUNTY OF LAKE, CITY OF
CLEARLAKE, and DOES 1-100.

Defendants.

No. C-07-5445-WHA

**[PROPOSED] ORDER GRANTING
DEFENDANT TYLER'S MOTION FOR
JUDGMENT ON THE PLEADINGS AND
TO DISMISS**

F.R.C.P., Rule 12(c); 28 USC §1367(c)(3)

Date: September 25, 2008
Time: 8 a.m.
Courtroom: 9, 19th Floor

The Honorable Judge William H. Alsup,
Presiding

The motion of defendant LORI TYLER to dismiss plaintiffs SHERILL FOSTER, HOWARD FOSTER, SHEILA BURTON AND MINNIE BURTON's ("Plaintiffs") First Amended Complaint pursuant to F.R.C.P. Rule 12(c) and 28 U.S.C. § 1367(c)(3), came on for hearing on September 25, 2008 at 8:00 a.m., in Courtroom 9, 19th Floor of the above-entitled court before the Honorable William H. Alsup.

The court, having considered the papers and arguments submitted in support of and in opposition to the motion, and after oral argument, finds that Plaintiffs' First Amended Complaint, filed on December 7, 2007, fails to state any cognizable federal claim against Defendant Tyler under 42 U.S.C. § 1983 and, because there is no such cognizable claim, there is no basis for pendent jurisdiction over plaintiffs' remaining state law claims.

[PROPOSED] ORDER GRANTING DEFENDANT TYLER'S MOTION FOR JUDGMENT ON THE PLEADINGS AND TO DISMISS

1 The court therefore ORDERS that all claims alleged against defendant LORI TYLER in
2 Plaintiffs' First Amended Complaint be dismissed in their entirety.

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6 Dated: _____

By: _____
HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT COURT JUDGE